Patent 51308-00007

Appl. No.: 10/649,365

۲

Reply to Office Action of 09/16/2004

REMARKS/ARGUMENTS

Claims 47-48 and 79-82 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 16 and 17 of the U.S. Patent No. 6,251,965.

Applicant respectfully submits a Terminal Disclaimer to Obviate a Double Patenting Rejection Over a "Prior" Patent. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 50-3207.

Respectfully submitted,

Michelle S. Glasky) Ph.D. Registration No. 54,124

CUSTOMER NUMBER: 45,200

PRESTON GATES & ELLIS, LLP 1900 Main Street, Suite 600 Irvine, California 92614-7319 Telephone: (949) 253-0900 Facsimile: (949) 253-0902